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Attorneys for Defendant, CRISIS MANAGEMENT, LLC

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

YOU WALK AWAY, LLC, a California  
limited liability company,,

Plaintiff,

v.

CRISIS MANAGEMENT, LLC, an  
Arizona corporation, and WALK AWAY  
PLAN, LLC, a business entity of unknown  
form,

Defendants.

Case No. 08 CV 0529 WQH BLM

**DECLARATION OF PAUL  
HELBERT IN SUPPORT OF CRISIS  
MANAGEMENT, LLC'S MOTION  
TO DISMISS, STAY, OR  
TRANSFER VENUE TO THE  
DISTRICT OF ARIZONA**

**[NO ORAL ARGUMENT UNLESS  
REQUESTED BY COURT]**

Date: May 19, 2008  
Time: 11:00 a.m.  
Crtm: 4

Judge: Hon. William Q. Hayes

I, Paul Helbert declare as follows:

1. I am the general manager of Crisis Management, LLC ("Crisis Management"), an Arizona limited liability company. I have personal knowledge of the facts set forth in this Declaration and if called as a witness would be competent to testify thereto.

2. Crisis Management provides services to consumers who are seeking assistance

1 relative to the current mortgage crisis. Crisis Management offers its services on the Internet via a  
2 website using the domain name www.walkawayplan.com. Crisis Management also offers plans to  
3 help our customers navigate through the current mortgage crisis. These plans are tailored to meet  
4 the needs of each specific customer. Crisis Management identifies its services as the "Walk Away  
5 Plan."

6 3. Crisis Management has filed a trademark application with the United States Patent  
7 and Trademark Office ("Trademark Office") to register the name Walk Away Plan under Serial  
8 No. 77/406511.

9 4. By Letter dated February 29, 2008, You Walk Away, L.L.C., through its attorneys,  
10 advised that it believed that Crisis Management's use of the domain name www.walkawayplan.com  
11 and the name Walk Away Plan infringed on its rights. The letter advised that You Walk Away had  
12 submitted an application to register You Walk Away with the United States Patent and Trademark  
13 Office (the "Trademark Office").

14 5. I did not see the February 29, 2008 letter until a few days after it had arrived at Crisis  
15 Management's offices.


16 6. On or about March 8, 2008, a representative of You Walk Away named "Chad"  
17 contacted me and inquired as to whether Crisis Management would adhere to the demands made in  
18 the February 29, 2008 letter — specifically, the demand that Crisis Management cease using the  
19 domain name www.walkawayplan.com and the name Walk Away Plan.

20 7. I advised that I did not believe that Crisis Management's use of these names infringed  
21 or otherwise violated You Walk Away's rights in any way. I further advised that Crisis  
22 Management would be consulting with an attorney to determine how to respond to the February 29,  
23 2008 letter and the allegations it contained. I provided Chad with the name and phone number of my  
24 attorney James Rigberg, and asked that he communicate directly with Mr. Rigberg. Thereafter, I  
25 received several more calls from You Walk Away.

26 8. On March 14, 2008, I, on behalf of Crisis Management, consulted with an attorney  
27 and authorized that a lawsuit be filed in the United States District Court for the District of Arizona to  
28

1 protect Crisis Management's right and ability to continue using the domain name  
2 www.walkawayplan.com and the name Walk Away Plan. One of Crisis Management's chief  
3 concerns was that an action be filed before the Trademark Office approved You Walk Away's  
4 application.

5 I declare under penalty of perjury under the laws of the United States and the State of  
6 California that the foregoing matters are true and correct and that this declaration was executed on  
7 April 11, 2008 at Phoenix, Arizona.

8   
9 Paul Helbert